



Austin City Council  
MINUTES

REGULAR MEETING  
THURSDAY, MARCH 8, 2001

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed.

The City Council of Austin, Texas, convened in a regular meeting on Thursday, March 8, 2001 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

INVOCATION – Minister Curtis Brown, Praise Tabernacle Family and Worship Center.

Mayor Watson called the meeting to order at 9:16 a.m.

1. Approval of minutes for regular meeting of March 1, 2001.  
The minutes for the regular meeting of March 1, 2001 were approved on Council Member Alvarez' motion, Council Member Wynn's second by a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

**BRIEFINGS**

2. Enhanced Inspection Program for Erosion Control on Developing Sites.  
The presentation was made by Michael Heitz, Director, Public Works and Transportation.
3. Update on Homeless Initiative  
The presentation was made by Betty Dunkerley, Assistant City Manager.

Item 4 was discussed later in the meeting.

Items 5 through 9 were Executive Session items

**CONSENT AGENDA**

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Wynn's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.

Items 10 through 12 were pulled for discussion.

13. C14-00-2234 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code zoning property located at 809 South Lamar Boulevard (West Bouldin Creek Watershed) from SF-3, Family Residence district and CS, General Commercial Services district zoning to GR-MU-CO-Community Commercial-Mixed Use-Conditional Overlay Combining district zoning with conditions. First Reading on January 18, 2001; Vote 6-0, Watson absent. Condition met as follows: Conditional overlay incorporates the conditions imposed by Council at first reading. Applicant: Moranda Corporation (Lena Lund). Agent: Crocker Consultants (Sarah Crocker). City Staff: Annick Beaudet, 499-3072. 11/15/00  
**Ordinance No. 010308-13 was approved.**
14. C14-00-2257 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code zoning property located 6901 Guadalupe Street (Waller Creek Watershed) from SF-3, Family district zoning to MF-1-CO, Multifamily Residence Limited Density district zoning with conditions. First Reading on February 15, 2001. Vote: 7-0. Condition met as follows: Conditional overlay incorporates the conditions imposed by Council at first reading. Applicant: Thomas Darrel Zachary. Agent: Crocker Consultants (Sarah Crocker). City Staff: Glenn Rhoades, 499-2775.  
**Ordinance No. 010308-14 was approved.**
15. C14-00-2259 – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code zoning property located 7003 Guadalupe Street (Waller Creek Watershed) from SF-3, Family Residence district zoning to MF-1-CO, Multifamily Residence Limited Density-Conditional Overlay Combining district zoning with conditions. First Reading February 15, 2001. Vote: 7-0. Condition met as follows: Conditional overlay incorporates the conditions imposed by Council at first reading. Applicant: Collette Kuemmel. Agent: Crocker Consultants (Sarah Crocker). City Staff: Glenn Rhoades, 499-2775.  
**Ordinance No. 010308-15 was approved.**
16. Amend ordinance No. 990722-39, to clarify the legal description for the property known as 6721 to 6807 North FM 620 Road and 11115 to 11209 FM 2222 Road (Lake Travis Watershed), further described in file number C14-98-0225. Applicant: Richard Buratti. City Staff: Don Perryman, 499-2786.  
**Ordinance No. 010308-16 was approved.**
17. Amend Ordinance No. 000912-01, the Approved 2000-2001 Operating Budget for the Health and Human Services Department's Special Revenue Fund by accepting and appropriating an additional \$1,700 in grant funds from the Texas Department of Health's Refugee Health Screening Program to the Health and Human Services Department's Refugee Screening Program grant, for a total grant amount of \$151,700. (Funding is available from the Texas Department of Health, Refugee Health Screening Program. The grant period is October 1, 2000-September 30, 2001.)  
**Ordinance No. 010308-17 was approved.**
18. Approve a resolution authorizing the negotiation and execution of an agreement with Austin Community Development Corporation (ACDC) in an amount not to exceed \$50,000, to provide financial assistance to small businesses and small commercial development projects that create jobs for low-to-moderate income persons. [Funding is available in the Fiscal Year 2000-2001 Neighborhood Housing and Community Development Office (NHCD) 26<sup>th</sup> year Community Development Block Grant (CDBG).]  
**Resolution No. 010308-18 was approved.**

19. Amend Ordinance No. 000912-1, the 2000-2001 Operating Budget amending the General Fund by increasing transfers in from the Contingency Reserve Fund in the amount of \$89,000 and increasing transfers out to the Neighborhood Housing and Community Development Office in the same amount. Amend the budget for Neighborhood Housing and Community Development Office by increasing transfers in from the General Fund and appropriating funds in the amount of \$89,000 to reimburse the U.S. Department of Housing and Urban Development for disallowed cost relating to the acquisition of property. Also amend the General Contingency Reserve Fund by increasing transfers to the General Fund in the amount of \$89,000. (Funding is available in Fiscal Year 2000-2001 General Fund Contingency Reserve account.)  
**Ordinance No. 010308-19 was approved.**
20. Approve a resolution for the renaming of Slaughter Creek Metropolitan Park to Circle C Metropolitan Park on Slaughter Creek. (Circle C Homeowners Association, Inc. has agreed to pay the full cost of new park signs.) (Recommended by the Parks and Recreation Board)  
**This item was postponed until March 22, 2001.**

**Items 21 through 22 were pulled for discussion.**

23. Approve a resolution authorizing execution of a contract with TRAFFIC PARTS INC., Spring, Texas, for the purchase of traffic signal vehicle and pedestrian light bulbs for the Department of Public Works and Transportation, Traffic Signals Division in the amount of \$57,400. (Funding was included in the 2000-2001 Operating Budget for the Department of Public Works and Transportation.) Low bid/three bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore no goals were established for this solicitation. The signal heads will be provided directly to the City by the manufacturer.  
**Resolution No. 010308-23 was approved.**
24. Approve an ordinance waiving the requirements of Chapter 15-11 of the Austin City Code, except the public safety requirement, and waiving the permit application fee, permit fee, and the deposit under Ordinance No. 000912-04 for the temporary closure of Avenue D on April 6, 2001 and East Oltorf on April 18, 2001, for the Texas Alcoholic Beverage Commission's Shattered Dreams Anti-DWI Program. (\$450 in foregone revenue.)  
**Ordinance No. 010308-24 was approved.**
25. Approve a resolution authorizing execution of a contract with POWER SUPPLY, INC., Austin, Texas, for the purchase of six 138KV magneto-optical current transformers in an amount not to exceed \$172,398. (Funding is available in the 2000-2001 Approved Capital Budget for the Electric Utility Department.) Low bid/two bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. There were no opportunities for subcontracting, therefore no MBE/WBE goals were established. This is a commodity purchase, with direct delivery by the manufacturer. (Recommended by Electric Utility Commission)  
**Resolution No. 010308-25 was approved.**
26. Approve a resolution authorizing execution of a 12-month supply agreement through the State Cooperative Purchasing Program with TELESTE SURVEILLANCE NETWORKS, Georgetown Texas, to purchase ATM based video and data encoders and decoders (CODEC) in the amount not to exceed \$1,621,896.88 for the Public Works & Transportation Department. (Funding in the amount of \$1,621,896.88 was included in the 2000-2001 Capital Budget of the Public Works

Department. Funding for the remainder is contingent upon available funding in next fiscal year's budget.)

**Resolution No. 010308-26 was approved.**

**Items 27 through 29 were pulled for discussion.**

30. Adopt an ordinance for the vacation of a portion of the LaCrosse Avenue right-of-way as provided for in the Settlement Agreement with the Bradley Parties and retaining a 20' waterline easement across a portion of the property to be vacated.

**Ordinance No. 010308-30 was approved.**

**Item 31 was pulled for discussion.**

32. Approve an Ordinance changing the name of a portion of Harris Ridge Boulevard to Tech Ridge Boulevard. (Mayor Pro Tem Jackie Goodman)

**Ordinance No. 010308-32 was approved.**

**Items 33 through 42 were citizen communications.**

**Items 43 through 52 were zoning items.**

**Items 53 through 54 were Executive Session items.**

**Items 55 through 61 were pulled for discussion.**

62. Approve a resolution accepting the recommendation of the Parks and Recreation Board regarding relocation of the historic Susanna Dickinson home to the northwest corner of 10<sup>th</sup> Street and Congress Avenue. (Council Member Will Wynn)

**Resolution No. 010308-62 was approved.**

63. Approve a resolution directing the City Manager to negotiate an agreement with the Texas Historical Foundation to serve as the conduit for the privately-funded restoration and occupancy of the relocated Susanna Dickinson home, to be reviewed by the Historic Landmark Commission, the Parks and Recreation Board, The Old Bakery Board of Directors and the City Council before approval, with appropriate terms and conditions; and to expedite all development reviews necessary to accomplish the relocation and rehabilitation of the historic Susanna Dickinson home. (Council Member Will Wynn)

**Resolution No. 010308-63 was approved.**

64. Approve an ordinance waiving fees for all required city permits and development approvals related to the temporary move, permanent relocation and rehabilitation of the historic Susanna Dickinson home and outbuilding. (Council Member Will Wynn)

**Ordinance No. 010308-64 was approved.**

65. Approve a ordinance waiving the parade permit fee for the International Day Without Violence March on Saturday, April 7, 2001. (Mayor Pro Tem Jackie Goodman)

**Ordinance No. 010308-65 was approved.**

## **DISCUSSION ITEM**

59. Approve an ordinance amending Chapter 8-14 of the City Code affecting the towing of vehicles within the City of Austin. The proposed ordinance includes 1) a revision to the incident management plan that addresses wrecker responses during rush-hour traffic on key thoroughfares, 2) general ordinance revisions based on a recent federal court ruling and staff recommendations, and 3) a recommendation to increase the standard non-consent tow fee rate from \$65 to \$95; to increase the non-consent tow fee rate for vehicles over 10,000 pounds from \$300 to \$393; to authorize an additional \$35 fee for use of a flat bed trucks on a city-wide basis. The fee increases are to take immediate effect. (Third reading)

**Ordinance No. 010308-59 was approved on Council Member Thomas' motion, Council Member Griffith's second by a 4-3 vote. Those voting aye were: Mayor Pro Tem Goodman and Council Members Griffith, Thomas and Wynn. Those voting nay were: Mayor Watson and Council Members Alvarez and Slusher. Mayor Pro Tem Goodman directed staff to track the number of operable and/or inoperable cars that remain unclaimed. Council Member Griffith directed staff to track the time it takes for providers to get wrecks off of the road.**

#### **BRIEFINGS CONTINUED**

4. Language interpreters services at the Central Booking Facility and the Municipal Court. The presentation was made by Evelyn McKee, Municipal Court Judge.

#### **DISCUSSION ITEMS CONTINUED**

29. Approve a resolution supporting the adopted Region K Water Supply Plan mandated by Senate Bill 1 (passed by the 75<sup>th</sup> Legislature in 1997), and adopted on December 13, 2000 by the Lower Colorado Regional Water Planning Group (LCRWPG). The adopted plan was submitted to the Texas Water Development Board (TWDB) on January 5, 2001 for incorporation into the State Water Plan due January 5, 2002. (City of Austin staff support of the Senate Bill 1 Regional Water Planning Process is funded from the 2000-2001 Approved Operating Budget.) (Recommended by Water and Wastewater Commission)

**Resolution No. 010308-29 was approved on Council Member Griffith's motion, Council Member Thomas' second by a 6-1 vote. Council Member Slusher voted no.**

22. Approve a resolution authorizing execution of Change Order #11 to the construction contract with AUSTIN BRIDGE & ROAD, Austin, Texas, for additional quantities needed for improvements to Loyola Lane, from Walnut Creek to the Longhorn Railroad, in the amount not to exceed \$268,000, for a total contract amount not to exceed \$3,905,717.82. (Funding in the amount of \$266,600 is included in the 2000-2001 Amended Capital Budget of the Department of Public Works & Transportation and \$1,400 is included in the 1998-1999 Amended Capital Budget of the Department of Public Works & Transportation.) No MBE/WBE subcontracting opportunities were identified. The contractor will preform the work with his own forces.

**Resolution No. 010308-22 was approved with a friendly amendment on Council Member Thomas' motion, Council Member Slusher's second by a 6-0 vote. Council Member Alvarez was off the dais. The friendly amendment made by Council Member Slusher was to change the name Longhorn Railroad to Austin and North Western RR. This was accepted by the maker of the motion.**

**The motion to recess the City Council meeting at 11:34 a.m. and go into Executive Session was approved on Council Member Thomas' motion, Council Member Wynn's second by a 7-0 vote.**

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

5. Discuss legal issues regarding labor negotiation with the Austin Police Association.
  6. Discuss legal issues related to the regulation of solicitation and panhandling.
  7. Discuss legal issues relating to Kohlmeyer Road and a private access easement across the City's Double J&T Preserve.
  8. Discuss legal issues concerning sign replacement permit requirements.
  9. Discuss settlement proposal in *City of Austin v. BFI Waste Systems of North America, Inc., et al*, Cause No. 2295; proceedings in eminent domain in Travis County Probate Court No. 1.
- Mayor Watson announced that Council would also engage in a discussion of items 56 through 58 during Executive Session.

Executive session ended and Mayor Watson called the meeting back to order at 1:35 p.m.

CITIZEN COMMUNICATIONS

33. Jennifer L. Gale – Austin City Hall in front of the First Street Bridge; Are we a “World Class City?”
34. Edgar A Whitfield – Conditions of street repairs, Parks and erosion problems along Little Walnut Creek in University Hills Area.
35. Robert Donley – Neighborhood
36. Gus Peña - To discuss Housing issues that are more to what the citizens, taxpayers want. To expedite allocating funding fore Low income affordable Housing and for transitional housing. - ABSENT
37. Susana Almanza P.O.D.E.R. - Close Holly Power Plant - Keep records open. Re-locate BFI - one year has passed Get tank farm re-developed for East Austin.
38. Gavino Fernandez - Holly Power Plant - Close it - ABSENT
39. Stefan Wray - Police Accountability
40. Pam Thompson - Police Accountability
41. Sonia Santana - Police Accountability
42. Denise Younger - Neighborhood Plan Enforcement for 610, 612,614 Pressler

DISCUSSION ITEMS CONTINUED

21. Approve an ordinance prohibiting aggressive or intimidating solicitation.  
**Ordinance No. 010308-21 was approved adopting the amended wording with the following friendly amendments on Council Member Wynn's motion, Council Member Slusher's second by a 6-1 vote. Council Member Thomas voted no. Mayor Pro Tem Goodman's directed the City Manager to bring back to Council in 6 months a report on the effects of the implementation of this ordinance. Council Member Slusher's friendly amendment was to change page 3, line 16, section C3 from 15 to 25 feet. The friendly amendment was accepted by the maker of the motion.**
28. Approve a resolution authorizing execution of a construction contract with MARTIN K. EBY CONSTRUCTION CO., INC., Austin, Texas, for the pedestrian tunnel and parking garage excavation for the New City Hall / CSC Project, in an amount not to exceed \$5,013,976 and a contingency in the amount not to exceed \$123,000, for a total contract amount not to exceed

\$5,136,976. (Funding in the amount of \$3,750,275 is included in the 1999-2000 Amended Capital Budget of the Department of Public Works & Transportation; \$459,725 is included in the 2000-2001 Amended Capital Budget of Electric Utility; \$566,000 is included in the 2000-2001 Amended Capital Budget of the Water & Wastewater Utility; \$360,976 is included in the 2000-2001 Amended Capital Budget of the Watershed Utility.) 18.41%MH, .46% MB, 3.15% WBE (Related Item # 27)

**Resolution No. 010308-28 was approved on Council Member Alvarez' motion, Council Member Slusher's second by a 6-1 vote. Council Member Thomas voted no.**

27. Amend Ordinance No. 000912-02, the 2000-2001 Amended Capital Budget of the Watershed Protection Department by transferring and appropriating \$445,800 from CIP Contingency to fund a new project called the "Downtown Storm Drainage Improvements Project" to relocate and upgrade the storm drain on the east side of Guadalupe Street, between 2nd Street and Town Lake. (Funding in the amount of \$445,800 is available in the 2000-2001 CIP contingency account.) (Recommended by Planning Commission) (Related Item # 28)

**Ordinance No. 010308-27 was approved on Council Member Wynn's motion, Council Member Thomas' second by a 7-0 vote.**

56. Amend Ordinance No. 000912-1, the Fiscal Year 2000-2001 Operating Budget for the Convention Center Operating Fund by increasing the beginning balance by \$11,884,303 for a total beginning balance of \$24,966,075, increasing appropriations by \$10,000,000 to fund the balance of the loan to Austin Convention Enterprises, Inc. ("Corporation"), and increasing the ending balance by \$1,884,303 for a budgeted ending balance of \$10,639,682. The loan shall be expended by the corporation only in connection with the development of the Convention Center Hotel. (Funding in the amount of \$10,000,000 is available in the estimated beginning balance of the Convention Center Operating Fund.) (Related Item #: 57 and 58)

**Ordinance No. 010308-56 was approved on Council Member Wynn's motion, Mayor Watson's second by a 7-0 vote.**

57. Approve an ordinance amending Ordinance No. 000629-21 to revise the terms of the payment of a \$15,000,000 grant from the City to Austin Convention Enterprises, Inc. (Funding is available in the Convention Center Operating Fund. (Related Item #: 56 and 58)

**Ordinance No. 010308-57 was approved on Council Member Wynn's motion, Mayor Watson's second by a 7-0 vote.**

58. Approve a resolution amending Resolution No. 000302-30, as previously amended by Resolution No. 000629-22, to increase the maximum principal amount of the Bonds authorized to be issued by Austin Convention Enterprises, Inc., to permit the use of a portion of the proceeds of the Bonds to pay the costs of acquiring credit enhancement on a portion of the Bonds, and to establish the maximum interest rates with respect to each series of Bonds. (Related Item #: 56 and 57)

**Resolution No. 010308-58 was approved on Council Member Wynn's motion, Mayor Watson's second by a 7-0 vote.**

31. Consider a resolution directing the City Manager to present to Council within 45 days a proposal for tracking changes in the amount of land area within zoning classifications of property on a city-wide and planning area basis. (Council Member Beverly Griffith)

**Resolution No. 010308-31 was approved on Council Member Griffith's motion, Council Member Thomas' second by a 6-0 vote. Mayor Watson was off the dais.**

The motion to recess the City Council meeting at 2:58 p.m. and go into Executive Session was approved on Mayor Pro Tem Goodman's motion, Council Member Slusher's second by a 7-0 vote.

#### EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

- 53. Discuss legal issues related to development regulations applicable in the Hyde Park neighborhood.
- 54. Discuss *Timothy Bruner v. City of Austin, et al.*, Cause No. A-00-CA-229 AA, United States District Court for Western District of Texas.

Mayor Watson announced that Council would also engage in a discussion of item 55 during Executive Session.

Executive session ended at 3:18 p.m.

Mayor Watson called the meeting back to order at 4:00 p.m.

#### ZONING CONSENT

All of the following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and the consent items were approved on Council Member Wynn's motion, Mayor Pro Tem Goodman's second by a 6-0 vote. Council Member Thomas was off the dais.

- 43. C14-85-288.102 RCT - Public hearing to amend Chapter 25-2 of the Austin City Code by amending a restrictive covenant for property locally known as Southwest Parkway and Sunset Ridge (Williamson Creek Watershed). Planning Commission Recommendation: To grant the request to amend the restrictive covenant. Property Owner: D.B.L. Eagle ranch, Ltd. Applicant: Dick Rathgeber. Agent: Barry Campbell. City Staff: Katie Larsen, 499-3072.  
The restrictive covenant was approved.

Item 44 was pulled for discussion.

- 45. C14-00-2201 (RCT) Public hearing to amend Chapter 25-2 of the Austin City Code by terminating a restrictive covenant for property locally known as 6705 Manor Road (Little Walnut Creek Watershed). Planning Commission Recommendation: To grant the request to terminate the restrictive covenant. Property Owner and Applicant: Ridgelea Properties (Charles Porter). Agent: Simmons-Smith Consulting Group (Michael Simmons-Smith). City Staff: Rachel Everidge, 499-2332. (continued from 2/1/01 and 2/15/01)  
This item was postponed to March 22, 2001 at the applicant and neighborhood's request.
- 46. C14-00-2201 - Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as 6705 Manor Road (Little Walnut Creek Watershed) from I-SF-3, Interim-Family Residence district zoning to GR-CO, Community Commercial-Conditional Overlay Combining district zoning. Planning Commission Recommendation: To grant GR-CO, Community Commercial-Conditional Overlay Combining district zoning with conditions. Property Owner and Applicant: Ridgelea Properties, Inc. (Charles Porter) Agent: Simmons-Smith Consulting Group (Michael Simmons-Smith). City Staff: Rachel Everidge, 499-2332. (continued from 1/18/01, 2/1/01 and 2/15/01)



This item was postponed to March 22, 2001 at the applicant and neighborhood's request.

Item 47 were pulled for discussion.

48. C14-00-2228 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as the 209 – 315 Industrial Boulevard (Blunn/Williamson Creek Watersheds) from SF-3, Family Residence district zoning to LI-CO, Limited Industrial Services - Conditional Overlay Combining district zoning. Planning Commission Recommendation: To grant LI-CO, Limited Industrial Services - Conditional Overlay Combining district zoning with conditions. Property Owner and Applicant: Twin Oaks Associates (Joe Jung). Agent: Jim Bennett. City Staff: Wendy Walsh, 499-7719.

**Ordinance No. 010308-48 was approved.**

49. C14-00-2229 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as the 203 Industrial Boulevard (Blunn/Williamson Creek Watersheds) from SF-3, Family Residence district zoning to LI-CO, Limited Industrial Services-Conditional Overlay Combining district zoning. Planning Commission Recommendation: To grant LI-CO, Limited Industrial Services - Conditional Overlay Combining district zoning with conditions. Property Owner and Applicant: Twin Oaks Associates (Joe Jung). Agent: Jim Bennett. City Staff: Wendy Walsh, 499-7719.

**Ordinance No. 010308-49 was approved.**

50. C14-00-2244 – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as the 9414-9416 Anderson Mill Road (Lake Creek Watershed) from I-RR, Interim-Rural Residence district zoning to GR, Community Commercial district zoning. Planning Commission Recommendation: To grant GR-CO, Community Commercial-Conditional Overlay Combining district zoning with conditions. Applicant: Mytle Lentz Estate (Wallace D. Lentz, Executor). Agent: The Premas Group, Inc. (Doug Devine). City Staff: David Wahlgren, 499-6455. This item was postponed to May 10, 2001 at the applicant's request.

Item 51 was pulled for discussion.

52. C14-00-2270 – Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as the West side of Pecan Blvd. and the intersection of Lake Creek Parkway (Lake Creek Watershed) from DR, Development Reserve district zoning and GR, Community Commercial district zoning to MF-2, Multifamily Residence Low Density district zoning. . Planning Commission Recommendation: To grant to MF-2-CO, Multifamily Residence Low Density-Conditional Overlay Combining district zoning with conditions. Applicant: Karnack Company (Jim McBride). Agent: Bury and Partners (Jim Knight). City Staff: David Wahlgren, 499-6455.

**Ordinance No. 010308-52 was approved.**

66. C2A-81-004 – Lockheed Tract – Public Hearing to amend a Planned Development Area (PDA) agreement covering property locally known as 6800 Burleson Road (Carson and Onion Creek Watersheds) and currently zoned LI-PDA, Limited Industrial Service-Planned Development Area combining district zoning. Planning Commission Recommendation: To grant requested amendment of PDA agreement with conditions. Property Owner and Applicant: Missile Partners Associates, L.P., Burleson Road Investments (also known as Mara Gateway Associates, L.L.P.), SM Brell, L.P. Agent: Bury & Partners (Alexa Knight). City Staff: Trann Lackey, 499-3341. (continued from 1/25/00, 2/8/01, and 3/1/01)

The Planned Development was approved.

67. C14-00-2041 – Lockheed Tract – Public Hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 6800 Burleson Road (Carson and Onion Creek Watersheds) from LI-PDA, Limited Industrial Service–Planned Development Area Combining district zoning and DR, Development Reserve district zoning to LI, Limited Industrial Service district zoning. Planning Commission Recommendation: To grant LI-CO, Limited Industrial Service-Conditional Overlay Combining district zoning with conditions and RR, Rural Residence district zoning. Property Owner and Applicant: Missile Partners Associates, L.P. and Burleson Road Investments (also known as Mara Gateway Associates, L.L. Agent: Bury & Partners (Alexa Knight). City Staff: Trann Lackey, 499-3341. (continued from 1/25/00 and 2/8/01, and 3/1/01)  
**Ordinance No. 010308-67 was approved.**

#### **ZONING DISCUSSION**

44. C14-00-2175 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 1007 East 39<sup>th</sup> Street (Waller Creek Watershed) from SF-3, Family Residence district zoning to LO-MU, Limited Office-Mixed Use Combining district zoning. Planning Commission Recommendation: To deny LO-MU, Limited Office-Mixed Use Combining district zoning. Applicant: Susan Morgan and F. Ethelynn Beebe. City Staff: Tom Bolt, 499-2741. Note: A valid petition has been filed in opposition to this rezoning request. (continued from 1/18/01 and 2/15/01)

The motion to close the public hearing was approved on Council Member Alvarez' motion, Council Member Griffith's second by a 4-0 vote. Mayor Watson and Council Members Thomas and Wynn were off the dais.

This ordinance was denied on Council Member Griffith's motion, Mayor Pro Tem Goodman's second by a 5-0 vote. Mayor Watson and Council Member Wynn were off the dais.

47. C14-00-2217 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 803, 809, and 813 Martin Luther King Blvd. (Shoal Creek Watershed) from MF-4, Multifamily Residence Moderate-High Density district zoning and LO, Limited Office district zoning to GO-MU, General Office–Mixed Use Combining district zoning. Planning Commission Recommendation: To grant GO-MU-CO, General Office–Mixed Use-Conditional Overlay Combining (Bill Gurasich). Agent: Lopez, Phelps and Vaughn (Amelia Phelps). City Staff: Glenn Rhoades, 499-2775. (continued from 2/15/01)

The motion to close the public hearing was approved on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second by a 5-0 vote. Council Members Slusher and Thomas were off the dais.

The first reading of this ordinance was approved adopting the Planning Commission's recommendation on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second by a 7-0 vote.

The motion to recess at 5:23 p.m. was approved on Mayor Pro Tem Goodman's motion, Council Member Griffith's second by a 7-0 vote.

Mayor Watson called the meeting back to order at 6:15 p.m.

#### **ZONING DISCUSSION CONTINUED**

51. C14-00-2263 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 7300 State Highway 71 West (Williamson Creek Watershed) from CS-CO, General Commercial Services-Conditional Overlay Combining district zoning to CS-CO, General Commercial Services-Conditional Overlay Combining district zoning in order to change a condition of zoning. Planning Commission Recommendation: To deny the request to CS-CO, General Commercial Services-Conditional Overlay Combining district zoning with conditions. Property Owner and Applicant: R.L. (Trey) Wyatt III. Agent: Crocker Consultants (Sarah Crocker). City Staff: Sherri Gager, 499-3057  
**The motion to postpone to March 22, 2001 was approved on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second by a 7-0 vote.**
68. C14-00-2214 - Public hearing to amend Chapter 25-2 of the Austin City Code by zoning property locally known as 1711 State Highway 71 East from I-RR, Interim-Rural Residence district zoning, to CS, General Commercial Services district zoning. Planning Commission Recommendation: To Grant GR-CO, Community Commercial- Conditional Overlay Combining district zoning with conditions. Applicant: Richard Buratti. City Staff: Don Perryman, 499-2786. (continued from 3/1/01)  
**The motion to postpone to March 22, 2001 was approved on Mayor Pro Tem Goodman's motion, Council Member Alvarez' second by a 7-0 vote.**
60. Consider a resolution regarding an appeal of the administrative decision to approve a site plan for Hyde Park Garage Expansion, a multi-story off-street parking structure use located at 3906 Speedway. Appellants: Mr. Bob Breeze, Co-president, Hyde Park Neighborhood Association; Niyanta Spelman, Officer, Hyde Park Neighborhood Association; Stephen Wechlert; Lloyd and Nancy Berg; Rachael Anne Rawlins, Attorney, Alliance to Save Hyde Park; Susan Moffat, Officer, Alliance to Save Hyde Park. Applicant: Hyde Park Baptist Church. Agent: Richard Suttle, Jr. City Staff: Thomas Bolt, 499-2741. (continued from 3/1/01)  
**Resolution No. 010308-60 was approved upholding the appeal and overruling staff and disallowing the site plan on Council Member Wynn's motion, Council Member Alvarez' second by a 5-2 vote. Those voting aye were: Mayor Pro Tem Goodman and Council Members Alvarez, Griffith, Slusher and Wynn. Those voting nay were: Mayor Watson and Council Member Thomas.**
61. Approve an ordinance authorizing the vacation of the alley in the 3900 block of Speedway, adjacent to 3901-3917 Avenue D and 3900-3916 Speedway, as requested by Richard T. Suttle on behalf of Hyde Park Baptist Church, Inc., a Texas Non-Profit Corporation. (The amount of \$61,164 in revenue will be receipted to the General Fund.) (Urban Transmission Commission and Planning Commission recommend denial)  
**The motion to stay action indefinitely was approved on Council Member Griffith's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.**
69. C14-00-2237 - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 607 West 33<sup>rd</sup> (Waller Creek Watershed) from SF-3, Family Residence district and CS, General Commercial Services district zoning to LO-MU, Limited Office-Mixed Use Combining district zoning. Planning Commission Recommendation: To grant LO-MU-CO, Limited Office-Mixed Use-Conditional Overlay Combining district zoning with conditions. Applicant and Agent: Susan Pryor. City Staff: Glenn Rhoades, 499-2775. Note: A valid petition has been filed in opposition to this rezoning request. (continued from 3/1/01)

The motion to suspend the rules to allow the applicant to make a brief presentation and then to close the public hearing was approved on Mayor Pro Tem Goodman's motion, Council Member Griffith's second by a 7-0 vote.

The motion to close the public hearing was approved on Council Member Griffith's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.

This ordinance was denied on Mayor Pro Tem Goodman's motion, Council Member Griffith's second by a 5-2 vote. Those voting aye were: Mayor Pro Tem Goodman and Council Members Alvarez, Griffith, Thomas and Wynn. Those voting nay were: Mayor Watson and Council Member Slusher.

#### DISCUSSION ITEMS CONTINUED

55. Consider settlement agreement in *City of Austin v. BFI Waste Systems of North America, Inc., et al*, Cause No. 2295; proceedings in eminent domain in Travis County Probate Court No. 1. Resolution No. 010308-55 was approved on Council Member Griffith's motion, Mayor Pro Tem Goodman's second by a 5-2 vote. Those voting aye were: Mayor Pro Tem Goodman and Council Member Alvarez, Griffith, Slusher and Thomas. Those voting nay were: Mayor Watson and Council Member Wynn.

10. Approve a resolution authorizing the Meet and Confer Contract for Austin Police Officers. (For Fiscal Year 2000-2001, \$165,834 is required for Police Oversight and \$5,764,967 is required for police operations; \$5,500,000 is available in the Wage and Benefit Adjustment of the General Fund and \$430,801 is available from anticipated budget savings in the Approved 2000-2001 Operating Budget of the Austin Police Department; an additional \$7,131,152 will be included in the proposed Fiscal Year 2001-2002 Operating Budget of the Austin Police Department; an additional \$7,556,149 will be included in the proposed Fiscal Year 2002-2003 Operating Budget of the Austin Police Department; \$619,000 will be included in the proposed Fiscal Year 2001-2002 and Fiscal Year 2002-2003 Police Oversight. Line item in the Other Requirements section of the general fund. Funding in Fiscal Years 2001-2002 through 2002-2003 is subject to appropriation by City Council. (Related Item #s: 11 and 12)

The motion to approve the resolution ratifying the proposed Meet and Confer contract, but striking Exhibit B entitled "Civilian Oversight of the Austin Police Department" and replacing it with new Exhibit B entitled "The Final Report and Recommendations of the Austin City Council Police Oversight Focus Group," was made by Council Member Griffith.

The substitute motion to adopt Resolution No. 010308-10, with all the exhibits as originally posted, was approved on Council Member Thomas' motion, Council Member Slusher's second by a 5-1-1 vote. Council Member Alvarez voted no. Council Member Griffith abstained.

The motion was made to suspend the rules and continue the meeting past 10:00 p.m. on Council Member Slusher's motion, Mayor Watson's second by a 7-0 vote.

11. Amend Ordinance No. 000912-1, the 2000-2001 Fiscal Year Operating Budget, by transferring \$5,500,000 in General Funds from the Wage and Benefit Adjustment: \$165,834 in funding for Police Oversight transferred to a line item in the General Fund, Other Requirements; \$5,334,166 transferred to the appropriations and expenditures of the Austin Police Department in order to implement the terms of the Meet and Confer Contract. (For Fiscal Year 2000-2001, \$165,834 is required for Police Oversight and \$5,764,967 is required for police operations; \$5,500,000 is

available in the Wage and Benefit Adjustment of the General Fund and \$430,801 is available from anticipated budget savings in the Approved 2000-2001 Operating Budget of the Austin Police Department; an additional \$7,131, 152 will be included in the proposed Fiscal Year 2001-2002 Operating Budget of the Austin Police Department; an additional \$7, 556,149 will be included in the proposed Fiscal Year 2002-2003 Operating Budget of the Austin Police Department; \$619,000 will be included in the proposed Fiscal Year 2001-2002 and Fiscal Year 2002-2003 Operating Budgets for Police Oversight line item in the Other Requirements section of the General Fund. Funding in fiscal years 2001-2002 through 2002-2003 is subject to appropriation by City Council.) (Related Item #s: 10 and 12)

**Ordinance No. 010308-11 was approved on Council Member Thomas' motion, Council Member Slusher's second by a 7-0 vote.**

12. Amend Ordinance No. 000912-4, the ordinance authorizing fees, fines and other charges to be charged by City departments for Fiscal Year 2000-2001, to increase fees for reimbursed overtime of the Austin Police Department in order to implement the terms of the Meet and Confer Contract. (For Fiscal Year 2000-2001, anticipated reimbursed costs for police services is expected to increase by \$29,474. A budget impact is not expected because the additional reimbursement is offset by the increased salary cost of police officers.) (Related Item #s: 10 and 11)

**Ordinance No. 010308-12 was approved on Council Member Thomas' motion, Council Member Wynn's second by a 7-0 vote.**

**The motion to adjourn the meeting at 12:30 a.m. was approved on Council Member Slusher's motion, Council Member Wynn's second by a 7-0 vote.**

**The minutes of the regular meeting of March 8, 2001 were approved on Mayor Pro Tem Goodman's motion, Council Member Wynn's second by a 6-0 vote. Council Member Griffith was off the dais.**